

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CORTNI MARIE HOLTHAUS,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF

CORRECTIONS et al.,

Defendant.

Case No. 3:25-cv-05257-TMC

ORDER DENYING MOTION FOR  
RECONSIDERATION

**I. ORDER**

Before the Court is Plaintiff Cortni Marie Holthaus's Motion for Reconsideration, Dkt. 24, of the Court's order denying her motion to proceed *in forma pauperis* (IFP), Dkt. 23. On June 26, 2025, Ms. Holthaus moved to proceed IFP. Dkt. 22. She explained that, though she initially paid the Court's filing fee, she now needed to proceed IFP because she faced "severe financial difficulties." *Id.* at 2. She informed the Court that her accounts were "nearly in collections" and she was "actively filing Chapter 7 bankruptcy." *Id.* But, because Ms. Holthaus had already paid the filing fee, the Court denied the motion as moot. Dkt. 23. Ms. Holthaus moved for reconsideration of the Court's denial. Dkt. 24. Ms. Holthaus explained that the application "included new and materially different information regarding [her] financial

1 hardship[.]” *Id.* at 1. She noted that she “remains unable to afford the filing fees and service  
2 costs, and without IFP status, is effectively barred from litigating this matter, which involves  
3 serious issues requiring adjudication.” *Id.* at 2. Thus, Ms. Holthaus urged the Court to reconsider  
4 the denial, accept the updated IFP filing, and grant her leave to proceed IFP. *Id.*

5 Motions for reconsideration are “rarely granted.” *Colchester v. Lazaro*, No. C20-1571  
6 MJP, 2022 WL 1078573, at \*2 (W.D. Wash. Apr. 11, 2022). They “should not be granted, absent  
7 highly unusual circumstances, unless the district court is presented with newly discovered  
8 evidence, committed clear error, or if there is an intervening change in the controlling  
9 law.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir.  
10 2009); *see also* LCR 7(h)(1) (“Motions for reconsideration are disfavored. The court will  
11 ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or  
12 a showing of new facts or legal authority which could not have been brought to its attention  
13 earlier with reasonable diligence.”). “‘Clear error’ for purposes of a motion for reconsideration  
14 occurs when ‘the reviewing court on the entire record is left with a definite and firm conviction  
15 that a mistake has been committed.’” *Baptiste v. LIDS*, No. C 12-5209 PJH, 2014 WL 1677597,  
16 at \*4 (N.D. Cal. Apr. 28, 2014) (quoting *Smith v. Clark Cnty. Sch. Dist.*, 727 F.3d 950, 955 (9th  
17 Cir. 2013)).

18 Though the Court understands that Ms. Holthaus’s financial situation is difficult, the  
19 Court must deny her motion for reconsideration. As the Court briefly explained in its order,  
20 Dkt. 23, because the filing fee has been paid, Ms. Holthaus’s application, Dkt. 22, must be  
21 denied as moot. Proceeding IFP only waives the filing fee for a plaintiff. It does not offer access  
22 to other free services, such as discovery. If a plaintiff pays a filing fee after filing a motion to  
23 proceed IFP, the IFP motion is struck or denied as moot because the filing fee has been  
24 paid. Thus, the Court DENIES Ms. Holthaus’s motion for reconsideration. Dkt. 24.

1           However, the Court notes, Ms. Holthaus may have filed the IFP application in an attempt  
2 to show her indigency so the Court will assist with service. To move her case forward,  
3 Ms. Holthaus must still properly serve her complaint on Defendants. Rule 4 of the Federal Rules  
4 of Civil Procedure governs service of process. Local Civil Rules 4 and 5 provide more guidance.  
5 The plaintiff “is responsible for having the summons and complaint served within the time  
6 allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.”  
7 Fed. R. Civ. P. 4(c)(1). “Any person who is at least 18 years old and not a party may serve a  
8 summons and complaint.” Fed. R. Civ. P. 4(c)(2).

9           Under Local Civil Rule 4(a), “[i]t is the obligation of a party seeking the issuance of a  
10 summons by the clerk to present the summons to the clerk in the proper form, prepared for  
11 issuance, with sufficient copies for service.” Under Federal Rule of Civil Procedure 4(a), the  
12 summons must:

13           (A) name the court and the parties;

14           (B) be directed to the defendant;

15           (C) state the name and address of the plaintiff’s attorney or—if unrepresented—of the  
16 plaintiff;

17           (D) state the time within which the defendant must appear and defend;

18           (E) notify the defendant that a failure to appear and defend will result in a default  
19 judgment against the defendant for the relief demanded in the complaint;

20           (F) be signed by the clerk; and

21           (G) bear the court’s seal.


22           Federal Rule of Civil Procedure 4(b) provides more guidance: “On or after filing the  
23 complaint, the plaintiff may present a summons to the clerk for signature and seal. If the  
24 summons is properly completed,” the clerk will then “sign, seal, and issue it to the plaintiff for

1 service on the defendant.” To serve Defendants, Ms. Holthaus must first submit the necessary  
2 information in a proposed summons to the Court. The summons must contain the required  
3 information and be in the proper format. The forms may be found at  
4 <https://www.wawd.uscourts.gov/court-forms>. After receiving the summons from the Court,  
5 Ms. Holthaus may serve Defendant with the complaint and summons. The service must comply  
6 with the requirements of Federal Rule of Civil Procedure 4(h).

7 Because Ms. Holthaus has not yet completed service, and because she may require  
8 assistance with service, the evidence regarding Ms. Holthaus’s indigency will remain in the  
9 record.

10 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
11 to any party appearing pro se at said party’s last known address.

12 Dated this 9th day of July, 2025.

13   
14 \_\_\_\_\_  
15 Tiffany M. Cartwright  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24